



## CODE CHANGES ON THE HORIZON!

At the September 15, 2021 meeting, the Board voted to update the minimum standards set in 2017. As of February 1, 2022 the Board will begin enforcing the following codes: The 2017 NFPA National Electrical Code, 2018 International Mechanical Code, 2018 International Fuel Gas Code.

Additionally, the Board will begin enforcing the 2018 International Residential Code; however, Section 11 Energy Efficiency will remain under the Alabama Energy and Residential Code. To view the Alabama Energy and Residential Code visit the Alabama Department of Community Affairs Website at <https://adeca.alabama.gov/energycodes/>.

It is highly recommended that each contractor purchase these updated code books to familiarize yourselves with these codes. Code books can be purchased directly from the International Code Council Bookstore at [www.iccsafe.org](http://www.iccsafe.org).

The Residential Load Calculations, ACCA Manual J 8th Edition Abridged and the ACCA Manual Residential Duct Design, ACCA Manual D 3rd Edition will remain enforced. To view all minimum standards currently enforced by the Board visit the Rules and Regulations section of the Board's website and click on the Rules and Regulations icon or click on this link to go directly to Section 440-X-5 of the Alabama Administrative Code: [Minimum Standards for Installation, Service and Repair for Heating and Air Conditioning or Refrigeration Systems by Certified Contractors.](#)

The Board's heating, air conditioning, and refrigeration prelicensure exam will be updated as of March 1, 2022 to reference the International Code Council codes outlined above.

If you have any questions or concerns regarding these minimum standards updates, please contact one of the compliance officers in your area. Contact information for the Board's compliance officers can be found under the [Staff Members](#) section of the Board's website.

### Newsletter Contents

Duct Tightness Testing	2
Military Exemptions	3
Emergency Licensing	3
Disciplinary Action Rule Update	4
Home Builders Education Foundation	4
Compliance Report	5
Board Officers and Meeting Dates	6

## ALABAMA BOARD OF HEATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS

### 2021 BOARD MEMBERS

#### Chairman

Barrett Richard, Chairman

#### Vice Chairman

Alan Boswell, Tuscaloosa

#### Secretary

Brett Hall, Eva

#### Board Members

Susan Bolt, Opelika

Dink Myers, Albertville

Eddie Harper, Foley

Albert Davis, Birmingham

Joel Owen, Jasper

Misty Forbus, Titus

Troy Ingram, Gurley

Dr. Heshmat Aglan, Tuskegee

Tim Jordan, Mobile

Wilbur Webb, Mobile

## LEGAL CONTRACTORS PLACING THEMSELVES AT RISK!

Certified Contractors that allow uncertified individuals or an uncertified company to use their state certification should think twice. Contractors that allow an illegal contractor to use their certification to pull permits and/or perform HVAC-R work, are in violation of state law. Those contractors who circumvent state law and enable such work outside state law, place their certification at risk and subject themselves to a fine of \$2,000 per incident. Every violation will be taken very seriously. Protect your certification, don't let an uncertified contractor use you!

## GENERAL CONTRACTOR AND LIQUEFIED PETRO- LEM LICENSING REQUIRED FOR HVAC CONTRAC- TORS - DOES THE FOLLOWING APPLY TO YOU?

The Alabama Board for General Contractors' law requires that any HACR contractor performing a job over \$50,000 hold a subcontractor or prime contractor license issued by the General Contractors Board. If you have any questions about this requirements please contact the Heating, Air Conditioning and Refrigeration Board at (866) 855-1912 or the General Contractors Board at 800-356-6361 or online at: [www.genconbd.alabama.gov](http://www.genconbd.alabama.gov).



The Alabama Liquefied Petroleum Gas Board law requires that any HACR contractor involved in the installation, service or repair of a gas furnace connected to liquefied petroleum (LP) gas hold the appropriate certification with their agency. If you have any questions about LP Gas requirement please contact the Heating, Air Conditioning and Refrigeration Board at 866- 855-1912, LP Gas Board at 800-545-9246, or online at: [www.lpgb.alabama.gov](http://www.lpgb.alabama.gov)



## Duct Air Tightness Testing Mandatory

The Alabama Residential Energy, Code of Alabama 1975, Section 305-2-4-.10 mandates that duct pressure testing is required on all new construction and full system changeouts regardless of what jurisdiction a contractor performs installation of an HVAC system in the State of Alabama.

In addition Section 34-31-24(b)(1) mandates that any individual who engages in the practice of testing and verifying duct air tightness, in conjunction with the installation, service, or repair of heating and air conditioning systems, is required to be registered with the Board. Since the inception of the law in 2015 the code has changed, requiring the duct leakage less than 4% at rough-in. Once each test is performed and passes, the contractor who performed the test is required to report the results to the Board on a duct air tightness testing verification form.

Forms can be found under the forms section of the Board's website at [www.hacr.alabama.gov](http://www.hacr.alabama.gov). For contractors who are interested in whole home energy compliance, there is a Alabama Residential Energy Code Compliance Calculator on ADECA's website: [www.adeca.alabama.gov/energy](http://www.adeca.alabama.gov/energy)

# NEW AND AMENDED RULES AND REGULATIONS

In an effort to streamline and clarify the rules and regulations pertaining to certified contractors, registrants, education providers, consumers, and unlicensed individuals, the Board has begun the process of amending, repealing, and adding new rules and regulations to Section 440 of the Alabama Administrative Code.

The Board has adopted one new rule regarding military members and their spouses. Rule 440-X-3-.17 Acceptance of Military Education, Training, or Service reads:

(1) Acceptance of Military Education, Training, or Service.

(a) The Board may accept education, training, or service completed by an individual as a member of the Armed Forces or reserves of the United States, the National Guard of any state, the military reserves of any state, or the naval militia of any state as sufficient education or experience to sit for examination.

(2) Acknowledgement of Military Personnel and Military Spouses

(a) After receiving military orders to the State of Alabama, the Board may waive the heating and air conditioning and/or refrigeration examination for military personnel and military spouses who hold a current and valid heating and air conditioning, refrigeration, or mechanical license or certification in another state, district, or territory of the United States, or in any branch of the United States Armed Forces, including the National Guard, with licensing or certification.

(b) The Board may waive the licensing fee for military spouses upon initial certification during a transfer of station ordered by the Armed Forces or reserves of the United States.

The Board also amended the rule regarding the loss of a contractor by separation, death or severe incapacitation. Section 440-X-3-.08 Procedure in The Event of the Loss or Incapacitation of a Certified Contractor reads:

(1) In the event a certified contractor in responsible charge separates by termination, layoff, or voluntary resignation from a partnership, corporation, business trust, or other legal entity operating under his or her certification, the certified contractor and entity shall notify the Board within five (5) days of the separation by submitting a severance notification form prescribed by the Board. The entity must immediately cease entering all contracts, both verbal and written, and the installation, service and/or repair of any heating and air conditioning or refrigeration system until a certified contractor applies to, and is approved by, the Board as responsible in charge for the entity. Operating without a certified contractor in responsible charge is a violation of Section 31-31-32(a) Code of Alabama, 1975.

(2) In the event of the death or incapacitation of a certified contractor in writing within 45 days by any partnership, corporation, business trust, or other legal entity operating under the certification of the deceased or incapacitated person in responsible charge. These business entities are eligible to apply for an emergency certification on an application prescribed by the Board and must provide a death certificate or official statement from a physician attesting to incapacitation, and new bond or bond rider. An emergency certification shall be active for no longer than 90 days before expiring. The entity may continue to enter new contracts and engage in the installation, service or repair of heating and air conditioning or refrigeration systems while the certification remains active. Once expired the entity must immediately cease entering all contracts, both verbal and written, and the installation, service and/or repair of any heating and air conditioning or refrigeration system until a certified contractor applies to, and is approved by, the Board as responsible in charge for the entity. Failure to notify the Board of the death of a contractor is a violation of Section 34-31-32(a) Code of Alabama, 1975.

If you have terminated a certified contractor or are a certified contractor who has separated employment with a company, the Contractor/Entity Severance Notification Form can be found under the Forms section of the Board's website, as well as the ALE-1 Application For Emergency License. Please be advised that an emergency license is only issued in the event the certified contractor in responsible charge for an entity is deceased or cannot perform his duties and a currently unlicensed representative needs the authority to conduct day to day operations for a temporary period.

## BOARD STAFF

### Executive Director

Jeffrey M. Becraft

### Compliance Officers

Waylon Spivey  
Compliance Supervisor

Greg Nuby  
Compliance Officer

Brandon Johnson  
Compliance Officer

Mike Smith  
Compliance Officer

### Legal Staff

Ellen Leonard  
Attorney

Jennifer Hargrove  
Legal and Compliance  
Assistant

### Education Staff

Glenn Nuby  
Education Administrator

Amber Moncrief  
Assistant Education  
Administrator

### Administrative Staff

Amy Mashburn  
Executive Secretary

Nelda Claybrook  
Accountant

Crystal Johnson  
Accounting Assistant

## Rules and Regulations Continued:

At the November 17, 2021 meeting the Board repealed Section 440-X-6 Discipline and Compliance Proceedings and created a new rule Section 440-X-6 Disciplinary Action. This section is streamlined to accurately detail the disciplinary and complaint process governed by the Board. To view this section of the Board's rules and regulations visit the [Rules and Regulations](#) page under Licensees on the Board's website after December 1, 2021.

Please check the News section of the Board's website quarterly for any upcoming changes to the Board's rules and regulations, as well as to view abridged version of the latest meetings.

Questions or concerns regarding Board law, rules and regulations should be directed to [staff@hacr.alabama.gov](mailto:staff@hacr.alabama.gov).

### PERSON IN RESPONSIBLE CHARGE

The certified contractor is considered by the Board as the "Responsible in Charge" at the heating and air conditioning or commercial refrigeration company. Responsible in Charge is defined as "The direction of projects involving the installation or service of heating, air conditioning, and refrigeration systems requiring initiation, professional skills, technical knowledge and independent judgment". In short, the Responsible in Charge is responsible for every aspect of a job undertaken. If a technician performs the actual work, the Board holds the Responsible in Charge accountable for all work done on that job.

The "Responsible in Charge" must also be a full-time employee person of the company. They must be on the company's payroll and receive a W-2. They cannot be pasias a contractor for the company who receives a 1099.

The Responsible in Charge is responsible for all permits that must be pulled and the installing, repairing or servicing of units on each job. The Responsible in Charge will be held responsible for any minimum standard violations found on an existing unit or installation their company is/was contracted to perform.

## CLASSROOM ASSISTANCE BY THE HOME BUILDERS ASSOCIATION FOUNDATION

In 2013 legislation was passed that allowed the transfer of any funds exceeding 25% of the Board's budget at the end of each fiscal year to the Alabama Home Builders Foundation, a 504(c)(3) non-profit organization. The funds transferred to the Foundation are to be used exclusively for classroom training tools at educational facilities that provide heating, air conditioning and/or refrigeration curriculum.

To date the Board has transferred in excess of \$44,000.00 to the foundation and will begin assisting the Foundation in distributing grants to educational facilities for the 2023 school year.

If you are the administrator or instructor for a heating, air conditioning and/or refrigeration curriculum in the State of Alabama and need assistance with training tools or supplies, we encourage you to apply by May 1, 2022 for the chance to obtain assistance by grant. To learn more about the Foundation visit: <https://ahbfoundation.org/>.

If you would like to donate as an individual to the Foundation or the HVAC Education fund, you can do so by filling out the attached application or by visiting the Board's courtesy link at:

**Donor Form :** [https://hacr.alabama.gov/?attachment\\_id=1198](https://hacr.alabama.gov/?attachment_id=1198)

**Grant Application:** <https://hacr.alabama.gov/hvac-r-hbaa-grant-application/>

## **2021 COMPLIANCE IN ACTION**

<b><u>UNLICENSED CONTRACTOR COMPLIANCE</u></b>	<b><u>UNLICENSED CONTRACTORS NON-COMPLIANCE</u></b>	<b><u>WARRANTS</u></b>	<b><u>LICENSE REVOCATIONS</u></b>
Coleston Jones Christopher Chambliss Ronald McKendree William Blankenship John Clem Kevin Sullivan Richard Stuckey	Tyrone Baker William Wade Keith Franklin Danny Martinez Nathan Carter Jeffrey Russell Miguel Martinez Jean Claude Frym Michael Wayne Mims Jeremy Scribe Brandon Sapp Frankie Anderson Christopher Taylor	Robert Millington Jeremy Scribe Anthony Godwin Keith Franklin Bragg Sapp Preston Kolb	Chadrick Setchell

### **Disciplinary Action Taken Against Contractors**

Disciplinary action will be taken against contractors where work performed violates minimum standards set by the Board, as well as against those contractors who fail to comply with the Board's rules and regulations in such matters as displaying their numbers on their service or work vehicles and loaning their license to unlicensed contractors. Discipline can be in the form of a letter of reprimand, a monetary fine, additional continuation hours, suspension or revocation of their license.

A complete investigation is conducted by the Board's investigators in each instance where suspicion of misconduct is presented. Once the investigation is finalized a report is submitted to the Board's Investigative Committee.

Findings of the investigation will be carefully reviewed, and the Committee will determine what, if any, disciplinary action shall be taken. Code violations or non-compliance with Board rule and regulations will result in disciplinary action.

The Board's disciplinary authority was put into effect when the Board was created in 1982, however, the disciplinary regulations have been revised. These revisions take effect on January 14, 2022.

Finally, be advised that all disciplinary action taken against any certified contractor will be posted on the Board's website for public viewing beginning on November 18, 2021. This will include cases from January 2021 forward.

## 2022 Board Officers

At the November 11, 2021 meeting, the following Board members were elected to seats outlined below:

**Brett Hall - Chairman of the Board.** Mr. Hall is from Eva, Alabama , the owner of Alabama Air Solutions in Eva, Alabama and has been a member of the Board since 2017.

**Susan Bolt - Vice Chairwoman.** Mrs. Bolt is from Opelika, Alabama, the owner of Paragon Industrial, LLP, and has been a member of the Board since 2017.

**Wilber Webb - Secretary.** Mr. Webb is from Mobile, Alabama, the owner of Webb's Heating & Air Conditioning and has been a member of the Board since 2017.

## Thank you Contractors

The Board appreciates the hard working licensed contractors who are determined to deliver quality services to Alabama's consumers. These contractors spend a great deal of time and money to maintain their certifications while those who are unscrupulous, with no certifications, take away business from ethical contractors while doing substandard work and quoting lower prices. The Board often receives calls from certified contractors who are discouraged by the continued presence of uncertified contractors. The Board's investigators attempt to find as many of these uncertified contractors as possible, however, when you see or know of a possible uncertified contractor working in your area, please notify the Board in order for our investigators to check on the validity of these contractors. The Board takes proactive action against uncertified contractors, which includes issuing cease and desist orders, levying fines and obtaining warrants for their arrest, in an effort to stop such illegal activity. The Board is appreciative of the supply houses that post bulletins warning illegal contractors of the consequences of working without a license. The Board is committed to supporting certified contractors and make every effort to protect the reputation of the contractors that strive to follow the rules and regulations of the heating, air conditioning and commercial refrigeration industry.

## 2022 Meeting Dates

Wednesday, February 9, 2022 at the Board Office in Montgomery at 11:00 a.m.

Thursday, May 5, 2022 at the Springhill Suites Conference Center at the Wharf in Orange Beach at 11:00 a.m.  
(location tentative)

Wednesday, August 10, 2022 at the Board Office in Montgomery at 11:00 a.m.

Wednesday, November 16, 2022 at the Board Office in Montgomery at 11:00 a.m.

Meetings are open to the public. A request to speak must be submitted to the Board at least 14 business days prior to the meeting in order to be put on the agenda.